

1 THE HONORABLE JOHN C. COUGHENOUR

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6 UNITED STATES DISTRICT COURT  
7 WESTERN DISTRICT OF WASHINGTON  
8 AT SEATTLE

9 CLARENCE D. JOHNSON, JR.,

CASE NO. C21-0483-JCC

10 Plaintiff,

MINUTE ORDER

11 v.

12 COMMON AREAS, *et al.*,

13 Defendants.  
14

15 The following Minute Order is made by direction of the Court, the Honorable John C.  
16 Coughenour, United States District Judge:

17 This matter comes before the Court *sua sponte*. On April 29, 2021, Magistrate Judge  
18 Michelle L. Peterson granted Plaintiff's motion to proceed *in forma pauperis* (IFP) and  
19 recommended the Court review Plaintiff's complaint under 28 U.S.C. § 1915(e)(2)(B) prior to  
20 the issuance of a summons. (Dkt. No. 6.)

21 Pursuant to 28 U.S.C. § 1915(e)(2)(B), the Court must dismiss an IFP complaint if the  
22 action fails to state a claim, raises frivolous or malicious claims, or seeks monetary relief from a  
23 defendant who is immune from such relief. To state a claim for relief, "a complaint must contain  
24 sufficient factual matter, accepted as true, to 'state a claim to relief that is plausible on its face.'" *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (quoting *Bell Atl. Corp. v. Twombly*, 550 U.S. 544,  
25 570 (2007)). A claim is facially plausible "when the plaintiff pleads factual content that allows  
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1 the court to draw the reasonable inference that the defendant is liable for the misconduct  
2 alleged.” *Id.* “A pleading that offers ‘labels and conclusions’ or ‘a formulaic recitation of the  
3 elements of a cause of action will not do.’” *Id.* (quoting *Twombly*, 550 U.S. at 555). “Dismissal  
4 can [also] be based on the lack of a cognizable legal theory.” *Balisteri v. Pacifica Police Dep’t.*,  
5 901 F.2d 696, 699 (9th Cir. 1988). Because Mr. Johnson, Jr. is proceeding *pro se*, the Court  
6 construes his complaint liberally. *Hebbe v. Pliler*, 627 F.3d 338, 342 (9th Cir. 2010).

7 Mr. Johnson, Jr. brings suit against “Common Areas,” the NHL Commissioner, the  
8 United States Tennis Association, NASCAR owner Steve Phelps, and the NBA Commissioner.  
9 (Dkt. No. 1-1.) But he fails to provide allegations supporting a claim, simply indicating that the  
10 defendants are liable for “ICC” and “Dept of Energy crimes.” (*Id.* at 5.) Nor does he indicate  
11 what relief he seeks, other than to direct the responding party to “contact the Cochran law firm  
12 for damages 1-800-843-3476.” (*Id.*). This does not provide Defendants with the nature of the  
13 claims asserted against them. Nor does it allege a plausible claim for which the Court can  
14 provide relief. *See Iqbal*, 662 U.S. at 678.

15 Although the Court finds that Mr. Johnson, Jr.’s complaint fails to state a claim upon  
16 which relief can be granted, it will not dismiss the complaint unless “it is absolutely clear that no  
17 amendment can cure the [complaint’s] defects.” *Lucas v. Dep’t of Corr.*, 66 F.3d 245, 248 (9th  
18 Cir. 1995) (citation omitted). Accordingly, the Court will provide Mr. Johnson, Jr. an  
19 opportunity to file an amended complaint curing the deficiencies identified above.

20 The Court ORDERS Mr. Johnson, Jr. to file an amended complaint within twenty-one  
21 (21) days of the date of this order. In his amended complaint, he must include a short and plain  
22 statement of the facts supporting each claim against each named Defendant, a basis for the  
23 Court’s jurisdiction, the relief he seeks, and a cognizable theory for that relief. If he fails to do  
24 so, the Court will dismiss this action.

25 The Clerk is DIRECTED to mail a copy of this order to Plaintiff.

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1 DATED this 29th day of April 2021.

2 William M. McCool  
3 Clerk of Court

4 s/Paula McNabb  
5 Deputy Clerk